

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case	Date filed
		5-CB-240811	05-1-2018
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Union, Security, Police & Fire Professionals of America		b. Union Representative to Contact Joseph McCray Vice President	
c. Address 25510 Kelly Road, Roseville, MI 48066		d. Tel. No. (586)772-7250	e. Cell No. (916)501-3174
		f. Fax No. (586)772-9644	g. e-Mail jmccray@spfpa.org
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) For the past six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by engaging in the following for arbitrary or discriminatory reasons or in bad faith: (1) refusing to process or arbitrate the grievance of (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) involuntary transfer around (b) (6), (b) (7)(C) 2018; (2) refusing to process or arbitrate the grievance of (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) discharge around (b) (6), (b) (7)(C) 2018; and (3) failing to communicate to (b) (6), (b) (7)(C) the labor organizations decisions related to grievances filed over (b) (6), (b) (7)(C) transfer or discharge.			
3. Name of Employer Diversified Protection Corporation		4a. Tel. No.	4b. Cell No.
		4c. Fax No. (301)710-0671	4d. e-Mail sean.engelin@dpcsecurity.com
5. Location of Plant involved (street, city, state, and ZIP code) 2121 Eisenhower Ave., Ste. 500, Alexandria, VA 22314		6. Employer representative to contact Sean Engelin Vice President of Human Resources	
7. Type of Establishment (factory, mine, wholesaler) Security Contractor	8. Principal product or service Security Services		9. Number of Workers employed 200
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)		11b. Cell No.
	11c. Fax No.		11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) an individual Print/type name and title or office, if any (b) (6), (b) (7)(C) Date: 05-1-2018 Fax No. e-Mail (b) (6), (b) (7)(C)			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
BANK OF AMERICA CENTER, TOWER II
100 S. CHARLES STREET, STE 600
BALTIMORE, MD 21201

Agency Website: www.nlrb.gov
Telephone: (410)962-2822
Fax: (410)962-2198

August 8, 2019

(b) (6), (b) (7)(C)

Re: International Union, Security, Police & Fire
Professionals of America
(Diversified Protection Corporation)
Case 05-CB-240811

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that International Union, Security, Police & Fire Professionals of America has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

The charge alleges the Union violated Section 8(b)(1)(A) by engaging in the following acts for arbitrary or discriminatory reasons or in bad faith: (1) refusing to process or arbitrate a grievance on your behalf concerning your involuntary transfer on or about (b) (6), (b) (7)(C) 2018; (2) refusing to process or arbitrate a grievance on your behalf concerning your discharge on or about (b) (6), (b) (7)(C), 2018; and (3) failing to communicate to you the Union's decisions related to grievances it filed over your transfer or discharge.

With respect to the first allegation, Section 10(b) of the Act precludes the issuance of a complaint on conduct occurring more than six months prior to the filing and service of a charge. The charge in this matter was filed on May 1, 2019 and served on the Union on May 6, 2019. Your involuntary transfer on or about (b) (6), (b) (7)(C) 2018, and the non-filing of a grievance, shortly thereafter, occurred more than six months before the date when the charge was filed and served on the Union. Therefore, Section 10(b) of the Act would preclude further pursuit of this allegation because the conduct arose more than six months before the charge was filed. Even if I were to assume this allegation was not barred by Section 10(b) of the Act, the alleged violation could still not be established because there is insufficient evidence you requested the Union file a grievance over your involuntary transfer.

Likewise, the evidence is insufficient to establish a violation of Section 8(b)(1)(A) of the Act as alleged in the second and third portions of the charge. The evidence shows the Union did file and process a grievance concerning your discharge. After a third step grievance meeting, at which you participated, the Union decided, based on its assessment of the merits, not to pursue the grievance to arbitration. The evidence shows the Union informed you of its decision orally and by email shortly after the third step grievance meeting.

August 8, 2019

Accordingly, I have concluded that further proceedings are not warranted and I am refusing to issue a complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **August 22, 2019**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than August 21, 2019. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before August 22, 2019**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after August 22, 2019, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

August 8, 2019

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Nancy Wilson

Nancy Wilson
Acting Regional Director

Enclosure: Appeal Form

cc: (b) (6), (b) (7)(C)
[REDACTED]
Diversified Protection Corporation
2121 Eisenhower Avenue, Suite 500
Alexandria, VA 22314

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